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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,580	02/06/2002	Joseph J. DiBiase	29020/107A	8275

7590 11/24/2004

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, IL 60606-6357

EXAMINER

KATCHEVES, BASIL S

ART UNIT PAPER NUMBER

3635

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,580

Applicant(s)

DIBIASE ET AL.

Examiner

Basil Katcheves

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 48-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-47 have been cancelled and new claims 48-78 have been added by the applicant in the paper entered 10/7/04.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 48, 49, 54-58, 63-70 and 75-78 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,805,523 to Burke et al.

Regarding claim 48, 56 and 78, Burke discloses a bumper for stopping a vehicle (fig. 4). Burke also discloses the bumper as having a first contact surface (fig. 5: 46) and a second contact surface (fig. 5: 53) spaced further outward than the first contact surface.

Regarding claims 49 and 58, Burke discloses the first contact surface as spaced higher than the second.

Regarding claim 54, Burke discloses an attachable bumper.

Regarding claims 55 and 66, Burke discloses the first contact surface (fig. 5: 46) and the second contact surface (fig. 6: 53) as being generally perpendicular to the direction of vehicle movement.

Regarding claim 57, Burke discloses the second contact surface (fig. 6: 53) as being spaced laterally greater than the first contact surface (fig. 5: 46).

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Regarding claim 63, Burke discloses the lateral spacing between the first and second contact surfaces as forming a path (fig. 6: above 50a).

Regarding claim 64, Burke discloses the second contact surface as having a visual reference, since it can be seen by the eye.

Regarding claim 65, Burke discloses the second contact surface as capable of stopping a car at a distance from its back side (30).

Regarding claim 67, Burke discloses a bumper with a first contact surface (fig. 5: 46) and a guide member (fig. 5: 40) spaced below the first contact surface.

Regarding claim 68, Burke discloses the guide member (fig. 5: 40) as protruding beyond the first contact surface (fig. 5: 46).

Regarding claim 69, Burke discloses the first contact surface as being higher than the guide member (fig. 5).

Regarding claim 70, Burke discloses the guide member (fig. 5: 40) as having a second contact surface (fig. 5: 53) which extends farther than the first contact surface (fig. 5: 46).

Regarding claim 75, Burke discloses the guide member as providing a visual reference, since it can be seen by the eye.

Regarding claim 76, Burke discloses the guide members second contact surface as capable of stopping a vehicle from further movement.

Regarding claim 77, Burke discloses the two contact surfaces (fig. 6: 53 & fig. 5: 46) as being generally perpendicular to the direction of vehicle movement.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50-53 and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,805,523 to Burke et al. in view of U.S. Patent No. 5,586,355 to Metz et al.

Regarding claims 50-53 and 59-62, Burke does not disclose a position responsive sensor on the loading dock bumper. Metz discloses a sensor for mounting on the underside of a loading dock leveler (abstract) which may be mechanical, proximity, or photoelectrically activated (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Burke by using the sensor disclosed by Metz on the bumper to warn of a collision.

Claims 71-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,805,523 to Burke et al. in view of U.S. Patent No. 4,127,295 to Robinson.

Regarding claim 71, Burke does not disclose the guide member as having an active mechanism that guides. Robinson discloses a bumper system with an active member (fig. 4: 26) that is capable of guiding. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Burke by

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adding the active guide, disclosed by Robinsin, in order to prevent scuffing and denting of the bumper and vehicle.

Regarding claim 72, Burke discloses the guide as having a tapered surface (fig. 6: 40).

Regarding claims 73 and 74, Robinson discloses the guide as having an anti friction member which is comprised of a roller (fig. 4: 26).

### ***Response to Arguments***

Applicant's arguments filed 10/7/04 are moot under new grounds of rejections.


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to vehicle bumpers in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK   
11/22/04

  
**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**